

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

<hr style="width: 30%; margin-left: 0;"/> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">GRAND TRUNK WESTERN RAILROAD INCORPORATED, a Delaware Corporation</div><div style="width: 5%; text-align: center;">:</div><div style="width: 50%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">Plaintiff,</div><div style="width: 5%; text-align: center;">:</div><div style="width: 50%;">CASE NO. 18-12800</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">vs.</div><div style="width: 5%; text-align: center;">:</div><div style="width: 50%;">CIVIL ACTION</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">DUNN PAPER, INC., A Delaware Corporation</div><div style="width: 5%; text-align: center;">:</div><div style="width: 50%;">COMPLAINT</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">Defendant.</div><div style="width: 5%; text-align: center;">:</div><div style="width: 50%;"></div></div>
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Plaintiff, GRAND TRUNK WESTERN RAILROAD INCORPORATED (hereinafter “GTW”) by way of Complaint against defendant, DUNN PAPER, INC. (hereinafter “DUNN”), says:

**JURISDICTION**

The Court obtains jurisdiction in this matter because of the concurrent jurisdiction with the Surface Transportation Board (“STB”), brought by Plaintiff GTW, an interstate railway carrier subject to the jurisdiction of the STB, to recover from DUNN demurrage charges pursuant to 28 U.S.C.A. §1337(a) (a federal question jurisdiction), and being a cause of action arising under the Interstate Commerce Act 49 U.S.C.A. §10702 and 49 U.S.C.A. §10746 for demurrage charges.

**PARTIES**

1. Plaintiff GTW is a Delaware Corporation with its principal place of business at 17641 South Ashland Avenue, Homewood, Illinois 60430 USA.

2. Plaintiff and its connecting carriers at all times mentioned were common carriers by railroad engaged in interstate commerce and doing business in the United States.

3. Defendant, DUNN, is a Delaware corporation, with a location for the production of paper products at 218 Riverview Street, Port Huron, MI 48060.

### **UNDERLYING FACTS**

4. The subject matter of this action stems from charges assessed under Canadian National Railway Company (“CN”) Tariff 9000, published by the plaintiff’s parent company CN on its behalf.

5. On or about October 1, 2017 through January 13, 2018, GTW performed the services for DUNN which unloaded the cars GTW placed. GTW gave notice to DUNN of its demurrage tariff prior to the placement of the railcars.

6. Pursuant to the applicable tariff, CN Tariff 9000, there accrued to GTW charges for these services in the sum of **\$192,400.00 after the invoices were reviewed and revised per the disputes of the defendant.** A listing of the Invoices showing the remaining amount due for each are attached hereto as **Exhibit “A.”**

7. These charges were billed and payment demanded for the services rendered by GTW to DUNN at DUNN’s Port Huron, Michigan facility where the services were provided and from where the bills have always been disputed and/or paid; however, the defendant has disputed and refused to pay or the bills noted in this Complaint.

**WHEREFORE**, plaintiff GTW demands that judgment against the defendant **DUNN PAPER, INC.** be entered on this Complaint in the amount of **\$192,400.00** in US Dollars, **plus any additional charges that may be due at the time of hearing**, together with prejudgment interest from the date of service, and for costs and disbursements of the Complaint.

CAPEHART & SCATCHARD, P.A.  
A Professional Corporation  
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Railroad Incorporated

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